

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
 :
 -against- :
 :
 TYRIEK SKYFIELD, :
 :
 :
 Defendant. :
----- X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/27/2020

No. 11 Cr. 912 (JFK)
No. 15 Civ. 2222 (JFK)

ORDER

JOHN F. KEENAN, United States District Judge:

On October 1, 2020, the Court denied Defendant Tyriek Skyfield's request to terminate the stay of proceedings in this action but ordered the parties to immediately notify the Court upon resolution of three cases¹ currently pending before the Second Circuit which involve the same question raised by Skyfield's habeas petition; namely, whether attempted Hobbs Act robbery constitutes a "crime of violence" under 18 U.S.C. § 924(c)(3)(A). (ECF No. 352.)

On October 14, 2020, Skyfield's counsel informed the Court that, earlier that day, the Fourth Circuit ruled that attempted Hobbs Act robbery is not a "crime of violence" under 18 U.S.C. § 924(c). See United States v. Taylor, --- F.3d ---, No. 19-7616, 2020 WL 6053317 (4th Cir. Oct. 14, 2020). Skyfield's counsel reiterated its earlier request that the Court lift the stay and order the Government to respond to Skyfield's petition. (ECF

¹ United States v. McCoy, No. 17-3515 (argued Oct. 23, 2019); United States v. Collymore, No. 19-596 (argued June 1, 2020); and United States v. Morris, No. 16-6 (argued June 25, 2020).

No. 357.) On October 21, 2020, the Government filed a letter opposing Skyfield's request because three other circuit courts have reached the opposite conclusion and the cases addressing the issue remain pending before the Second Circuit. (ECF No. 358.)

At this time, and for the reasons set forth in the Court's October 1, 2020 Order, the Court declines to revisit its decision to continue the stay pending the Second Circuit's resolution of the issue raised in Skyfield's habeas petition. Accordingly, Skyfield's request is DENIED.

The Clerk of Court is directed to terminate the letter motion at ECF No. 357.

SO ORDERED.

Dated: New York, New York
October 27, 2020



John F. Keenan
United States District Judge